

REMARKS

Claims 1 – 5 and 7 – 10 are presented for examination and are subject to an election requirement. More specifically, the Examiner requires restriction under 35 USC 121 and 372. Applicants are required to provisionally elect a group for examination even if with traverse.

- I. Claims 1 – 5 drawn to use of clothianidin or dinotefuran for tree injection
- II. Claims 7 – 9 drawn to spraying a thiamethoxam composition to control Japanese pine sawyer in pine trees, etc.
- III. Claim 10 drawn to a method of withering of black pine trees

Applicants hereby provisionally elect group I, claims 1 – 5, with right of traverse.

Applicants traverse the requirement for restriction. More specifically, Applicants submit that the examination of such inventions in the instant PCT national stage application clearly should not present an undue burden on the PTO. What is represented is interrelated subject matter. This interrelationship rather than the classification in separate classes should be the overriding factor in determining the propriety of the unity requirement. Additionally, the current guidelines on unity practice recommend the examination of different sets of claims when such examination would not be unduly burdensome or prolonged. For the foregoing reasons, it is contended that this guideline would apply to the instant set of claims.

Applicants aver that a complete response to the election requirement of the Examiner has been made and that the instant application and claims are now in condition for examination on their merits and for allowance.

Respectfully submitted,

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